

109TH CONGRESS  
1ST SESSION

# H. R. 3300

To amend the Endangered Species Act of 1973 to authorize species recovery agreements under which the Federal Government is obligated to make annual payments or provide other compensation for activities that improve the recovery of one or more species listed under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2005

Mr. GRAVES (for himself, Mr. TERRY, and Mr. McCAUL of Texas) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Endangered Species Act of 1973 to authorize species recovery agreements under which the Federal Government is obligated to make annual payments or provide other compensation for activities that improve the recovery of one or more species listed under that Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Endangered Species  
5       Improvements Act of 2005”.

1 **SEC. 2. COOPERATION PROGRAM.**

2 (a) AGREEMENTS AUTHORIZED.—Section 13 of the  
3 Endangered Species Act of 1973 (consisting of amend-  
4 ments to other laws, which have executed) is amended to  
5 read as follows:

6 “SPECIES RECOVERY AGREEMENTS

7 “SEC. 13. (a) AGREEMENTS AUTHORIZED.—The  
8 Secretary may enter into a species recovery agreement  
9 with a person, other than an agency or department of a  
10 Federal or State government, under which the Secretary  
11 is obligated, subject to the availability of appropriations,  
12 to make annual payments or provide other compensation  
13 to the person to implement the agreement.

14 “(b) TERMS OF AGREEMENT.—A species recovery  
15 agreement entered into under this section by the Secretary  
16 with a person—

17 “(1) shall require that the person shall carry  
18 out, on land owned or controlled by the person, ac-  
19 tivities that—

20 “(A) protect and restore habitat for species  
21 included in a list published under section 4(c),  
22 or that are candidates for such inclusion, in a  
23 manner that is integrated with existing oper-  
24 ations on and use of such land;

1           “(B) contribute to the recovery of one or  
2           more species included in a list published under  
3           section 4(c); and

4           “(C) implement a management plan for  
5           such species;

6           “(2) shall specify such management plan;

7           “(3) shall include the compensation to be pro-  
8           vided by the Secretary to the person under the  
9           agreement, and the terms under which such com-  
10          pensation shall be provided;

11          “(4) require the Secretary to provide upon re-  
12          quest technical assistance and management training  
13          to assist the owner or operator of the land that is  
14          subject to the agreement in carrying out the agree-  
15          ment; and

16          “(5) shall include—

17               “(A) the duties of the person;

18               “(B) the duties of Secretary;

19               “(C) the terms and conditions under which  
20          the person and the Secretary mutually agree  
21          such agreement may be modified or terminated;  
22          and

23               “(D) acts or omissions by the person or  
24          the Secretary that shall be considered violations  
25          of the agreement, and procedures under which

1 notice and an opportunity to remedy any viola-  
2 tion by the person shall be given.

3 “(c) TRANSFER OF PROPERTY.—Upon any convey-  
4 ance or other transfer of interest in land that is subject  
5 to an agreement under this section—

6 “(1) the agreement shall continue in effect with  
7 respect to such land, with the same terms and condi-  
8 tions, if the person to whom the land or interest is  
9 conveyed or otherwise transferred notifies the Sec-  
10 retary of the person’s election to continue the agree-  
11 ment by not later than 30 days after the date of the  
12 conveyance or other transfer;

13 “(2) the agreement shall terminate if the agree-  
14 ment does not continue in effect under paragraph  
15 (1); and

16 “(3) the person to whom the land or interest is  
17 conveyed or otherwise transferred may seek a new  
18 agreement under this section.

19 “(d) MODEL FORM OF AGREEMENT.—Not later than  
20 1 year after the date of the enactment of the Endangered  
21 Species Improvements Act of 2005, the Secretary shall  
22 issue regulations that—

23 “(1) establish a model form of agreement that  
24 a person may enter into with the Secretary under  
25 this section; and

1 “(2) include in such model agreement—

2 “(A) a range of possible management prac-  
3 tices for habitat protections and restoration;  
4 and

5 “(B) other necessary agreement terms con-  
6 sistent with this section.

7 “(e) DURATION OF AGREEMENT; RENEWAL.—An  
8 agreement under this section shall be effective for 5 years,  
9 and may be renewed at the option of the person or upon  
10 the mutual agreement of the Secretary and the person.

11 “(f) VOLUNTARY PROGRAM.—The Secretary, or any  
12 other Federal official, may not require a person to enter  
13 into an agreement under this section as a term or condi-  
14 tion of any right, privilege, or benefit, or of any action  
15 or refraining from any action, under this or any other law.

16 “(g) AUTHORIZATION OF APPROPRIATIONS.—To  
17 carry out this section there is authorized to be appro-  
18 priated to the Secretary \$50,000,000.”.

19 (b) CLERICAL AMENDMENT.—The table of contents  
20 in the first section of such Act is amended by striking the  
21 item relating to section 13 and inserting the following:

“Sec. 13. Species recovery agreements.”.

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